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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

11 LISA A. DARNELL,

12 Plaintiff,

13 vs.
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15
16 MICHAEL J. ASTRUE,
17 Commissioner of the Social Security,
18 Defendant.

CASE NO. 12-CV-708 BEN (WMc)

ORDER:

**(1) ADOPTING REPORT AND
RECOMMENDATION**

**(2) DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT**

**(3) GRANTING DEFENDANT'S
CROSS-MOTION FOR
SUMMARY JUDGMENT**

[Docket Nos. 16, 17, 20]

19 On August 15, 2012, Plaintiff filed a motion for summary judgment (Docket No.
20 16), and on August 24, 2012, Defendant filed a cross-motion for summary judgment
21 (Docket No. 17). Magistrate Judge William McCurine issued a thoughtful and
22 thorough Report and Recommendation recommending that Plaintiff's motion for
23 summary judgment be denied and Defendant's cross-motion for summary judgment be
24 granted. (Docket No. 20.) Any objections to the Report and Recommendation were
25 due July 12, 2013. (*Id.*) Neither party filed any objections. For the reasons that
26 follow, the Report and Recommendation is **ADOPTED**.

27 A district judge "may accept, reject, or modify the recommended disposition" of
28 a magistrate judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C.

1 § 636(b)(1). “[T]he district judge must determine de novo any part of the [report and
2 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3).
3 However, “[t]he statute makes it clear that the district judge must review the magistrate
4 judge’s findings and recommendations de novo *if objection is made*, but not
5 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
6 banc) (emphasis in original); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th
7 Cir. 2005). “Neither the Constitution nor the statute requires a district judge to review,
8 de novo, findings and recommendations that the parties themselves accept as correct.”
9 *Reyna-Tapia*, 328 F.3d at 1121.

10 In the absence of any objections, the Court fully **ADOPTS** Judge McCurine’s
11 Report and Recommendation. Defendant’s cross-motion for summary judgment is
12 **GRANTED**, and Plaintiff’s motion for summary judgment is **DENIED**.

13 **IT IS SO ORDERED.**

14
15 DATED: July 15, 2013


16 HON. ROGER T. BENITEZ
United States District Judge